

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Mary K. Toth et al.

Serial No.: 09/483,039

Filed: January 18, 2000

Docket No.: GMI5212USA (G180.122.101)

Title: ATTACHABLE SNACK FOOD CONTAINER

REMARKS

This is responsive to the final Office Action mailed September 13, 2001. In that Office Action, claims 1-42 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention. Claims 4, 7, 19, 22, 25, and 39 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 1-5, 7, 16, 19-23, 25, 34, and 38-39 were rejected under 35 U.S.C. §102(b) as being anticipated by Jeng, U.S. Patent No. 5,180,079 ("Jeng"). Claim 6 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng. Claims 12-15, 17, 30-33, 35, 37, and 40-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng in view of Brauner et al., U.S. Patent No. 5,318,787 ("Brauner"). Claims 18 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng in view of Harvey et al., U.S. Patent No. 4,554,205 ("Harvey"). Finally, claims 8-11 and 26-29 were objected to as being dependent upon a rejected base claim. With this Response, claims 1, 12, 19, and 30 have been amended, and new claims 43-48 have been added. It is believed that all claims are now in a condition for allowance.

Rejections under 35 U.S.C. §112

Claims 1, 19 and 38 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Each of claims 1, 19, and 38 concerns or includes a snack food container including a side wall, a bottom wall, and a flange body. The side wall forms an upper opening, and the bottom wall is connected to the side wall opposite the upper opening. In claims 1 and 19, the flange body extends downward from the bottom wall and defines an inner surface and an outer surface. The inner surface of the flange body is configured for selective attachment to a beverage container and characterized by the absence of threads. Claim 38 includes a retaining means associated with the flange body and characterized by the absence of

threads. The Examiner rejected claims 1, 19, and 38 because the specification did not have support for the phrase "absence of threads."

It is respectfully submitted that the specification discloses a snack food container including a flange body having an inner surface characterized by the absence of threads. M.P.E.P. §2163.07(a) states that "by disclosing in a patent application a device that inherently performs a function or has a property... a patent application necessarily discloses that function or property... even though it says nothing explicit concerning it." Page 11, lines 4-9 of the specification provides one example of the assembly of the snack food container to the beverage container. The snack food container is directed downwardly toward the top portion of the beverage container, and the flange body guides its inner surface over the top portion of the container. Additional downward movement of the snack food container relative to the beverage container causes the beverage container to be engaged by the snack food container. Such disclosures inherently requires the inner surface of the flange body to be characterized by an absence of threads, as threads would not allow engagement of the beverage container by the snack food container by a mere downward motion. Furthermore, the application discloses that the snack food container can be rotated relative to the beverage container such that the slot is aligned with the beverage container passage (page 11, lines 18-22). The presence of threads in the attachment of the snack food container to the beverage container would not allow rotation of one component relative the other without compromising or loosening the attachment of the snack food container to the beverage container. Therefore, a snack food container that can be rotated relative the beverage container in this manner inherently discloses an attachment between the snack food container and the beverage container "characterized by the absence of threads." This feature is further made clear in the various figures, whereby the inner surface of the flange body does not have threads. Accordingly, it is respectfully requested that the rejection of claims 1, 19, and 38 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claims 2-18, 20-37, and 39-42 were rejected under 35 U.S.C. §112, first paragraph. Each of claims 2-18, 20-37, and 39-42 depends from either amended claim 1, 19, or 38. As previously described, the subject matter of amended claims 1, 19, and 38 is fully supported by the specification. Furthermore, none of the claims 2-18, 20-37, and 39-42 present any additional

phrases that were objected to by the Examiner. Accordingly, it is respectfully submitted that the rejection of claims 2-18, 20-37, and 39-42 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claims 4, 22, and 39 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Each of claims 4, 22, and 39 refer to an inner surface that is substantially annular or a retaining means having a "substantially annular surface." The Examiner rejected claims 4, 22, and 39 on the assertion that the term "substantially" is a relative term which renders the claims indefinite. In M.P.E.P. §2173.05(b)(D), it is noted that the term "substantially" is often used "with another term to describe a particular characteristic of the claimed invention." It is further noted in *In re Mattison*, 509 F.2d 563 (C.C.P.A. 1975), that a limitation including the term "substantially" was definite in view of the general guidelines contained in the specification. In accordance with that finding, the term "substantially annular" is generally defined within the application. Page 7, lines 7-9 of the specification discloses that the inner surface of the flange body is preferably "substantially annular" in form. It further discloses that a "substantially annular" structure defines an arc length of at least 180°, more preferably at least 270°. The disclosure of the range needed to constitute a "substantially annular" surface provides a standard for measuring the limitation, and renders "substantially annular" definite in view of the general guidelines of the specification. Consequently, the claims particularly point out and distinctly define the metes and bounds of the subject matter which the Applicants regard as their invention. As a result, it is respectfully requested that the rejection of claims 4, 22, and 39 under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 7, 19, and 25 were also rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 7, 19, and 25 were noted as being rejected for inclusion of the term "substantially." However, the term "substantially" was removed from each of claims 7, 19, and 25 in the previous Response to the Office Action mailed February 14, 2001, and none of claims 7, 19, and 25 depend from a claim including the term "substantially". Since claims 7, 19, and 25 no longer include language identified by the Examiner, it is respectfully

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requested that the rejections of claims 7, 19, and 25 under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejections under 35 U.S.C. §§102 and 103

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Jeng. Amended claim 1 relates to a snack food container including a side wall, a bottom wall, and a flange body. The side wall forms an upper opening and the bottom wall is connected to the side wall opposite the upper opening. A flange body extends downwardly from the bottom wall and defines an inner surface and an outer surface. The inner surface of the flange body is configured for selective attachment to a beverage container and is characterized by the absence of threads. The side wall and the bottom wall of the snack food container define an internal storage region for containing a snack food product. The internal storage region is formed apart from the inner surface of the flange body. None of the cited references teach or otherwise suggest at least these limitations.

For example, Jeng teaches an upper cup body 301 having a side wall, a bottom wall, and a lower flange having an inner surface and an outer surface. The side wall of Jeng's upper body 301 forms an upper opening. Opposite the upper opening, the side wall of Jeng is connected to the bottom wall of upper cup body 301, and the lower flange of upper cup body 301 extends downward from the bottom wall. The inner surface of the lower flange of upper cup body 301 is not configured for selective attachment to a beverage container. Instead, as illustrated in Figure 4, Jeng teaches that the upper cup body has a lower flange with an outer surface configured for attachment to a separate connecting body 302, with the separate connecting body 302 configured for attachment to a lower cup body 303.

Furthermore, even if the upper cup body and the separate connecting body were together considered as constituting a snack food container, Jeng does not include a single bottom wall that connects to the side wall to define an internal storage region and connects to a flange having the aforementioned limitations of amended claim 1. Instead, Jeng requires a bottom wall of upper body 301 and a horizontal wall of the separate connecting body 302. More precisely, the bottom wall of upper cup body 301 connects to its side wall to form an internal storage region, whereas

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and the horizontal wall of connecting body 302 connects to a flange that separately attaches to the upper cup body 301 and the lower cup 303. Neither the bottom wall of upper cup body 301 nor the horizontal wall of connecting body 302 satisfy the limitations of amended claim 1. Notably, Jeng requires these two separate bottom/horizontal walls in order to establish a chamber 307 that prevents heat transfer between the two cups 301, 303 and, therefore, cannot be viewed as suggesting the limitations of amended claim 1.

In summary, Jeng is limited to a multi-component design for attaching the upper cup 301 to the lower cup 303. The claimed invention of amended claim 1 presents a distinct cost and operation simplification advantage over Jeng by eliminating the connecting body 302. Users will not be faced with the inherent problem of Jeng whereby if the connecting body 302 is lost or misplaced, the upper cup 301 cannot be attached to the lower cup 303. For at least the aforementioned reasons, the limitations of amended claim 1 are neither taught nor otherwise suggested by any of the cited references. As a result, amended claim 1 is now in condition for allowance.

Claims 2-5 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Jeng. Each of claims 2-5 and 7 depend from amended claim 1. As previously described, amended claim 1 was not taught or otherwise suggested by any of the cited references. Accordingly, claims 2-5 and 7 are also allowable.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng. Claim 6 depends from amended claim 1. As previously described, amended claim 1 was not taught or otherwise suggested by any of the cited references and, therefore, is allowable. Consequently, claim 6 is similarly allowable.

Claims 8-11 were objected to as being dependent upon a rejected base claim. Each of claims 8-11 depend from amended claim 1 and/or claim 7. As previously described, neither amended claim 1 nor claim 7 is taught or otherwise suggested by any of the cited references, and amended claim 1 and claim 7 are now allowable. Accordingly, claims 8-11 are also allowable.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng in view of Brauner. Amended claim 12 depends from amended claim 1. As previously described, amended claim 1 was not taught or otherwise suggested by Jeng. As a result, amended claim 12

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is not taught or otherwise suggested by Jeng. In addition to the elements set forth in amended claim 1, amended claim 12 further includes a snack food container having a slot extending from the side wall to the bottom wall, with the slot being configured to allow access to a beverage contained within the beverage container. None of the cited references teach or otherwise suggest the additional limitations of amended claim 12.

The slot of Jeng extends through the center of the bottom and upper opening and does not interact with the side wall. Brauner is similarly lacking. Brauner includes a side wall 28 that connects to a bottom edge 59 and a bottom 52 to form a storage area. The Brauner package 20 is specifically configured for placement on to a conventional plastic milk jug 12 having an orifice 25 and a handle 18. In order to access the content of jug 12, the Brauner package 20 requires an internal hole 48. In other words, it is the internal hole 48 that is configured to allow access to the beverage container 12, and not the slot 62. The slot 62 is entirely unrelated to accessing the jug's 12 contents, but instead is specifically configured to nest over the handle 18. The internal hole 48 extends through the middle of the package 20 storage area and the upper opening, and it does not interact with the side wall 28, as otherwise required by amended claim 12. Conversely, the slot 62 does not allow access to a beverage contained within the beverage container 12, as otherwise required by amended claim 12. Consequently, Brauner fails to teach or otherwise suggest the limitations of amended claim 12, and, as a result, amended claim 12 is now allowable.

Claims 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng in view of Brauner. Each of claims 13-15 depend from amended claim 12 and amended claim 1. As previously described, none of the cited references teach or otherwise suggest the limitations of amended claim 1 or amended claim 12, and amended claims 1 and 12 are now allowable. As a result, claims 13-15 are also allowable.

Claim 16 was rejected under 35 U.S.C. §102(b) as being anticipated by Jeng. Claim 16 depends from amended claim 1. As previously described, amended claim 1 was not taught or otherwise suggested by any of the cited references and is allowable. Claim 16 further requires the side wall, the bottom wall, and the flange body to be integrally formed. Although the side wall and the bottom wall of Jeng are integrally formed as upper cup body 301, the attachment

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flange is formed with separate connecting body 302. The upper cup body 301 and the connecting body 302 of Jeng are distinct and separate pieces (Figure 3), and accordingly, cannot be considered to be integrally formed as one piece. As a result, claim 16 is not taught or otherwise suggested by any of the cited references and is now allowable.

Claim 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng in view of Brauner and as being unpatentable over Jeng in view Harvey, respectively. Each of claims 17 and 18 depend from amended claim 1. As previously described, amended claim 1 was not taught or otherwise suggested by any of the cited references and is now allowable. As a result, claims 17 and 18 are similarly allowable.

Claim 19 was rejected under 35 U.S.C. §102(b) as being anticipated by Jeng. Claim 19 has been amended similar to claim 1. For the reasons described above with respect to amended claim 1, amended claim 19 is not taught or otherwise suggested by any of the cited references, including Jeng.

Claims 20-23 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Jeng. Each of claims 20-23 and 25 depends from amended claim 19. As previously described, Jeng does not teach or otherwise suggest the limitations of amended claim 19. As a result, Jeng does not teach or otherwise suggest the limitations of claims 20-23 and 25. Consequently, each of amended claims 20-23 and 25 are allowable.

Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng. Claim 24 depends from amended claim 19, which, as previously described, is not taught or otherwise suggested by any of the cited references. Accordingly, claim 24 is similarly allowable.

Claims 26-29 were objected to as being dependent upon a rejected base claim. Each of claims 26-29 depends from amended claim 19. As previously described, amended claim 19 is not taught or otherwise suggested by the cited references, and therefore, is now allowable. As a result, claims 26-29 are similarly allowable.

Claims 30-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng in view of Brauner. Claims 30-33 depend from amended claim 19. As previously described, amended claim 19 is not taught or otherwise suggested by any of the cited references. Claims

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30-33 also recite additional patentably distinct subject matter previously described with respect to claims 12-15. For at least the aforementioned reasons, claims 30-33 are allowable.

Claim 34 was rejected under 35 U.S.C. 102(b) as being anticipated by Jeng. Claim 34 depends from amended claim 19. As previously described, amended claim 19 is not taught or otherwise suggested by any of the cited references. Furthermore, as previously described, for claim 16, claim 34 describes additional, patentably distinct subject matter. Consequently, claim 34 is now allowable.

Claims 35 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng in view Brauner. Claims 35 and 37 depend from amended claim 19. As previously described, amended claim 19 is not taught or otherwise suggested by any of the cited references and is, therefore, allowable. Consequently, claims 35 and 37 are also allowable.

Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng in view of Harvey. Claim 36 depends from amended claim 19, which as previously described is not taught or otherwise suggested by any of the cited references. Claim 36 additionally recites inclusion of a straw removably associated with the side wall of the packaged good article of claim 19. Harvey fails to teach or otherwise suggest this additional limitation.

For example, the configuration of Harvey allows the liquid to be drawn up a straw to an attached mouthpiece and into the user's mouth. Harvey is concerned with the limited purpose of modifying taste receptors to render sour tasting liquids sweet through the use of miraculin (column 1, lines 2-3). Due to this limited purpose, the straw of Harvey must allow the liquid traveling through it to come in contact with the food item, in this case the miraculin. Claim 36, however, describes a snack food container configured for selective attachment to a separate beverage container below the bottom wall. Use of this snack food container allows separate access to the snack food item and the beverage. More particularly, the snack food is consumed from the upper opening, and the contents of the beverage container are consumed via straw 80 (specification page 11, lines 22-27). Since Harvey requires food and beverage interaction during consumption, Harvey does not teach or otherwise suggest the additional limitations of claim 36. For at least the above described reasons, claim 36 is allowable.

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Claim 38 was rejected under 35 U.S.C. §102(b) as being anticipated by Jeng. Claim 38 relates to a snack food container including a side wall, a bottom wall, a flange body, and a retaining means. The side wall forms an upper opening, and the bottom wall is connected to the side wall opposite the upper opening. The flange body extends downward from the bottom wall, and the retaining means is associated with the flange body for selectively attaching the snack food container to a separate beverage container. The retaining means is further characterized by the absence of threads. Furthermore, the side wall, the bottom wall, the flange body, and the retaining means are integrally formed, and form an internal storage region for containing a snack food product apart from the retaining means. None of the cited references teach or otherwise suggest such limitations.

For example, Jeng relates to a combined cup including an upper cup body 301, a lower cup body 303, and a separate connecting body 302 (Jeng Abstract). As previously described, the side wall and the bottom wall of Jeng are included on the upper cup body 301, and the flange and the retaining means for selective attachment to a beverage container are included on the connecting body 302. As a result, the side wall and the bottom wall are formed separately from the flange body and the retaining means. Therefore, the side wall, the bottom wall, the flange body, and the retaining means are not integrally formed as a single piece. As a result, Jeng fails to teach or otherwise suggest the limitations of claim 38, and claim 38 is consequently allowable.

Claim 39 was rejected under 35 U.S.C. §102(b) as being anticipated by Jeng. Claim 39 depends from claim 38. As previously described, none of the cited references teach or otherwise suggest the limitations of claim 38, and claim 38 is allowable. Accordingly, claim 39 is also allowable.

Claims 40-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jeng in view of Brauner. Each of claims 40-42 depend from claim 38. As previously described, none of the cited references teach or otherwise suggest the limitations of claim 38, and claim 38 is allowable. Brauner does not significantly alter this analysis. As previously described for amended claim 12, Brauner does not allow access to a beverage from the side wall of the snack food container as required by claim 40. Claim 41 depends from claim 40. As a result, none of

the cited references teach or otherwise suggest the limitations of claims 40-42. As a result, claims 40-42 are now allowable.

Discussion of Newly Presented Claims

Newly presented claim 43 combines the limitations of previously submitted claims 1 and 9, which the Examiner indicated as being allowable. Therefore, it is respectfully submitted that newly presented claim 43 is allowable.

Newly presented claims 44 and 45 depend from newly presented claim 43, and are, therefore, allowable.

Newly presented claim 46 combines the limitations of previously submitted claim 19 and 27, which the Examiner indicated as being allowable. It is, therefore, respectfully submitted that newly presented claim 46 is allowable.

Newly presented claims 47 and 48 depend from newly presented claim 46. As a result, newly presented claims 47 and 48 are allowable.

CONCLUSION

It is believed that all claims are now in a condition for allowance. Notice to that effect is respectfully requested.

Applicants have enclosed a check for fees as set forth under 37 C.F.R. 1.16(b)(c). If additional fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 500471.

Attached hereto is a marked-up version of the changes made to the specification and/or the claims by the current Amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

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The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this response.

Respectfully submitted,

Mary K. Toth et al.,

By their attorneys,

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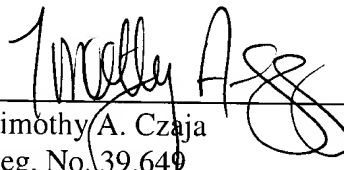
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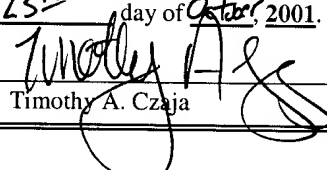
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Date: October 23, 2001
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Assistant Commissioner for Patents, Washington, D.C., 20231 on this 23rd day of October, 2001.

By 

Name: Timothy A. Czaja



EXPEDITED PROCEDURE
Examining Group Number 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mary K. Toth et al. Examiner: Hao T. Mai
Serial No.: 09/483,039 Group Art Unit: 1761
Filed: January 18, 2000 Docket No.: GMI5212USA (G180.122.101)
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AMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.116

Box AF

Assistant Commissioner for Patents
Washington, D.C. 20231

**VERSION WITH MARKINGS
TO SHOW CHANGES MADE**

Dear Sir/Madam:

This Amendment is responsive to the Final Office Action mailed September 13, 2001.
Please amend the above-identified patent application as follows:

IN THE CLAIMS

Please add newly presented claims 43-48 and amend claims 1, 12, 30, and 40 as follows:

1.(Amended) A snack food container comprising:

a side wall forming an upper opening;

a bottom wall connected to the side wall opposite the upper opening; and

a flange body extending downwardly from the bottom wall, the flange body defining an inner surface and an outer surface, the inner surface being configured for selective attachment to a beverage container and characterized by the absence of threads;

wherein the ~~snack food container~~ side wall and the bottom wall defines an internal storage region for containing a snack food product, the internal storage region being formed apart from the inner surface of the flange body.

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2. The snack food container of claim 1, wherein the inner surface of the flange body is sized in accordance with a top portion of an available beverage container having a predetermined outer dimension.
3. The snack food container of claim 2, wherein the available beverage container is cylindrical such that the predetermined outer dimension is a diameter.
4. The snack food container of claim 3, wherein the inner surface is substantially annular.
5. The snack food container of claim 3, wherein the inner surface includes a receiving section for interfacing with a top portion of the beverage container, the receiving section defining a diameter slightly greater than a diameter of the top portion of the separate beverage container.
6. The snack food container of claim 5, wherein the receiving section defines a diameter in the range of approximately 52-55 mm.
7. The snack food container of claim 1, wherein the inner surface includes a first section adjacent the bottom wall and a second section extending from the first section, the first section being vertical.
8. The snack food container of claim 7, wherein the second section expands outwardly from the first section for guiding the snack food container onto a beverage container.
9. The snack food container of claim 1, wherein the flange body further comprises:
at least one retention tab extending in a generally radial fashion from the inner surface,
the at least one retention tab being axially spaced from the bottom wall.
10. The snack food container of claim 9, wherein the at least one retention tab is configured to selectively engage a separate beverage container.

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11. The snack food container of claim 9, further comprising:
a plurality of retention tabs circumferentially spaced along the inner surface.
- 12.(Amended) The snack food container of claim 1, wherein the snack food container forms a slot extending from the side wall to the bottom wall ~~such that an area~~, and further wherein the slot is configured to allow access to a beverage contained within the beverage container below ~~the bottom wall is accessible from an exterior of the side wall via the slot.~~
13. The snack food container of claim 12, wherein the slot is sized to allow passage of a straw.
14. The snack food container of claim 12, wherein the slot extends in an angular fashion from the bottom wall to the side wall.
15. The snack food container of claim 12, wherein the slot extends through the flange body.
16. The snack food container of claim 1, wherein the side wall, the bottom wall and the flange body are integrally formed.
17. The snack food container of claim 1, further comprising:
a protective film secured across the upper opening.
18. The snack food container of claim 1, further comprising:
a straw removably associated with the side wall.
19. A packaged good article comprising:
a snack food container comprising:
a side wall forming an upper opening,

a bottom wall connected to the side wall opposite the upper opening,
a flange body extending downwardly from the bottom wall, the flange body
defining an inner surface and an outer surface, the inner surface being
configured for selective attachment to a separate beverage container and
characterized by the absence of threads,

wherein the ~~snack food container~~ side wall and the bottom wall defines an internal
storage region; and

a snack food product contained within the internal storage region apart from the inner
surface of the flange body.

20. The packaged good article of claim 19, wherein the inner surface of the flange body is
sized in accordance with a top portion of an available beverage container having a predetermined
outer dimension.

21. The packaged good article of claim 20, wherein the available beverage container is
cylindrical such that the predetermined outer dimension is a diameter.

22. The packaged good article of claim 21, wherein the inner surface is substantially annular.

23. The packaged good article of claim 19, wherein the inner surface includes a receiving
section for interfacing with a top portion of the beverage container, the receiving section defining
a diameter slightly greater than a diameter of the top portion of a separate beverage container.

24. The packaged good article of claim 23, wherein the receiving section defines a diameter
in the range of approximately 52-55 mm.

25. The packaged good article of claim 19, wherein the inner surface includes a first section,
adjacent the bottom wall and a second section extending from the first section, the first section
being vertical.

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26. The packaged good article of claim 24, wherein the second section expands outwardly from the first section for guiding the snack food container onto a beverage container.
27. The packaged good article of claim 19, wherein the flange body further comprises:
at least one retention tab extending in a generally radial fashion from the inner surface,
the at least one retention tab being axially spaced from the bottom wall.
28. The packaged good article of claim 27, wherein the at least one retention tab is configured to selectively engage the separate beverage container.
29. The packaged good article of claim 27, further comprising:
a plurality of retention tabs circumferentially spaced along the inner surface.
- 30.(Amended) The packaged good article of claim 19, wherein the snack food container forms a slot extending from the side wall to the bottom wall ~~such that an area~~, and further wherein the slot is configured to allow access to a beverage contained within the beverage container below ~~the bottom wall is accessible from an exterior of the side wall via the slot.~~
31. The packaged good article of claim 30, wherein the slot is sized to allow passage of a straw.
32. The packaged good article of claim 30, wherein the slot extends in an angular fashion from the bottom wall to the side wall.
33. The packaged good article of claim 30, wherein the slot extends through the flange body.
34. The packaged good article of claim 19, wherein the side wall, the bottom wall and the flange body are integrally formed.

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Title: ATTACHABLE SNACK FOOD CONTAINER

35. The packaged good article of claim 19, further comprising:
a protective film secured across the upper opening.
36. The packaged good article of claim 19, further comprising:
a straw removably associated with the side wall.
37. The packaged good article of claim 19, wherein the snack food product includes a plurality of dried food items.
38. A snack food container comprising:
a side wall forming an upper opening;
a bottom wall connected to the side wall opposite the upper opening;
a flange body extending downwardly from the bottom wall; and
retaining means associated with the flange body for selectively attaching the snack food container to a separate beverage container, the retaining means characterized by the absence of threads;
wherein the side wall, the bottom wall, the flange body and the retaining means are integrally formed, and form an internal storage region for containing a snack food product apart from the retaining means.
39. The snack food container of claim 38, wherein the retaining means includes a substantially annular surface formed by the flange body, the substantially annular surface having a diameter approximating a diameter of an available cylindrical beverage container.
- 40.(Amended) The snack food container of claim 38, further comprising:
a slot extending from the side wall to the bottom wall ~~for configured to provide~~ing access to an area ~~a beverage contained within the beverage container below the bottom wall~~ from an exterior of the side wall.

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Mary K. Toth et al.

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41. The snack food container of claim 40, wherein the slot extends through the flange body.

42. The snack food container of claim 38, further comprising:
a protective film sealed across the upper opening.

Please add newly presented claims 43-48 as follows:

--43.(Newly Presented) A snack food container comprising:

a side wall forming an upper opening;

a bottom wall connected to the side wall opposite the upper opening; and

a flange body extending downwardly from the bottom wall, the flange body defining an inner surface and an outer surface, the inner surface being configured for selective attachment to a beverage container and characterized by the absence of threads, the flange body further comprising:

at least one retention tab extending in a generally radial fashion from the inner surface, the at least one retention tab being axially spaced from the bottom wall;

wherein the snack food container defines an internal storage region for containing a snack food product, the internal storage region being formed apart from the inner surface of the flange body.

44.(Newly Presented) The snack food container of claim 43, wherein the at least one retention tab is configured to selectively engage a separate beverage container.

45.(Newly Presented) The snack food container of claim 43, further comprising:
a plurality of retention tabs circumferentially spaced along the inner surface.

46.(Newly Presented) A packaged good article comprising:

a snack food container comprising:

a side wall forming an upper opening,

a bottom wall connected to the side wall opposite the upper opening,

a flange body extending downwardly from the bottom wall, the flange body defining an inner surface and an outer surface, the inner surface being configured for selective attachment to a separate beverage container and characterized by the absence of threads, the flange body further comprising:

at least one retention tab extending in a generally radial fashion from the inner surface, the at least one retention tab being axially spaced from the bottom wall,

wherein the snack food container defines an internal storage region; and

a snack food product contained within the internal storage region apart from the inner surface of the flange body.

47.(Newly Presented) The packaged good article of claim 46, wherein the at least one retention tab is configured to selectively engage the separate beverage container.

• 48.(Newly Presented) The packaged good article of claim 46, further comprising:
a plurality of retention tabs circumferentially spaced along the inner surface.--